

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILIP J. GREGORY,

Defendant.

8:18CR139

ORDER

This matter is before the Court on Philip Gregory's ("Gregory") "Emergency Motion to Modify Sentence Pursuant to Title 18 U.S.C. § 3582(c)(1)(A)" (Filing No. 60). The motion and accompanying brief were signed only by Gregory's wife as his attorney in fact. She also included a copy of Gregory's written power of attorney as an exhibit.

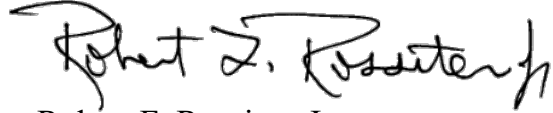
Federal Rule of Civil Procedure 11(a) requires that "[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented." Fed. R. Civ. P. 11(a). Gregory is unrepresented, but he did not personally sign the motion or accompanying brief. Gregory makes no showing of incapacity and has not provided any other explanation to the Court why he could not prepare, sign, and file his own legal documents. *United States v. Brenton*, No. 8:04CR262, 2007 WL 3124539, at *1 (D. Neb. Oct. 23, 2007) (explaining that a pro se party must sign their own documents submitted to the Court "to assur[e] that the statements and arguments made are those of [the defendant]"). The Court routinely receives legal documents from Federal prisoners and expects the same from Gregory. Accordingly,

IT IS ORDERED:

1. Philip Gregory's motion to modify is denied without prejudice.
2. The Clerk is directed to mail a copy of this Order to Gregory at his address of record.

Dated this 2nd day of December 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge